## APPENDIX A

### Opinion of Judge O'Brien

After carefully listening to extensive arguments and careful study, the court is of the opinion that the real questions to be decided are questions of law.

"The first question is: What is the legal status of the Chicago Law Institute? After having made that determination, the next question is: Does the CyPres Doctrine apply?

"The Chicago Law Institute was incorporated by special act of the Illinois Legislature in 1857. Section 2 of the original charter provides: 'The object and intention of this corporation is for literary purposes—the cultivation of legal science; the advancement of jurisprudence; the formation of a law library in the City of Chicago in the County of Cook.' Section 3 provides, among other things, that 'the property in said library shall be divided into shares which shall be deemed personal property.'

"Subsequent to this, on April 20, 1907, the original charter was amended. More specifically, Section 2 was amended by adding, after the words 'the object and intention of this corporation' the words 'is not for pecuniary profit' and then adding, after the words 'County of Cook', the words 'to be conducted, maintained and carried on by the members of said corporation, and *all shares of said corporation shall be considered as certificates of membership in said corporation.*' [Emphasis added.]

"The Illinois Legislature has passed a general Not-For-Profit-Corporation Act, (Chap. 32, Sec. 163, Ill. Rev.Stat.) which has been revised and amended from time to time. Under the provisions of this statute,

not-for-profit-corporations such as the Chicago Law Institute may elect to accept the general Not-For-Profit-Corporation Act, and upon so doing, would be bound by its terms, including provisions for dissolution. The Chicago Law Institute has not elected to accept this Act and is not bound by its terms. Not being under the general Not-For-Profit-Corporation Act, its status must be determined from its own charter and by-laws and conduct of its affairs in relation to the general rules of law.

"By clear and unequivocal language, by the amendment of April 20, 1907 of the original charter, not only is the object and intention of the corporation established as being not-for-profit for 'literary purposes, the cultivation of legal science, the advancement of jurisprudence' but the entire concept of the meaning and intention as to the significance of the ownership of 'shares' is changed so that henceforth 'shares' are mere indicia of membership in said corporation, not an indicia of ownership of an interest in the assets, if any, of said corporation.

"It is, therefore, the opinion of this court that:

"1—The Chicago Law Institute comes within the definition of a charitable, and educational corporation;

"2—that its members, by owning a 'share' have a certificate of membership in the corporation entitling them to certain privileges under the corporation by-laws, but does not give the members an interest in the assets of the corporation or the right to share in the distribution of any assets upon termination of the corporation;

"3—that the Executive Committee, under the by-laws (Sec. 4) is charged with the authority and responsibility 'to exercise a general control and supervision over the affairs of the Institute';

"4—that pursuant to its authority and responsibility it conducted a long and intensive study and investigation as to the future and welfare of the Chicago Law Institute;

"5—that the CyPres Doctrine is appropriately invoked here;

"6—that in the fulfillment of its duty and the exercise of its authority, and pursuant to the use of Cy Pres, the Executive Committee entered into the contract (Plaintiff's Exhibit 'C' of the Complaint) and submitted same to this Court for approval;

"7—the Court approves said contract.

"Therefore, Plaintiff's motion for judgment is allowed."

~~Respectfully submitted,~~

~~Irvin Dreamstone~~

~~Attorney for Appellants~~

# United States of America

APPENDIX B

State of Illinois } ss.
Supreme Court }

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the eighth day of May in the year of our Lord, one thousand nine hundred and sixty-seven, within and for the State of Illinois.

PRESENT: ROY J. SOLFISBURG, JR., CHIEF JUSTICE

JUSTICE WALTER V. SCHAEFER — JUSTICE RAY L. KLINGBIEL

JUSTICE BYRON O. HOUSE — JUSTICE ROBERT C. UNDERWOOD

JUSTICE THOMAS E. KLUCZYNSKI — JUSTICE DANIEL P. WARD

WILLIAM G. CLARK, ATTORNEY GENERAL

ROBERT C. MILLS, MARSHAL

ATTEST: MRS. EARLE BENJAMIN SHAROY, CLERK

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BE IT REMEMBERED, that, to-wit: on the 20th day of June, A.D. 1967, the same being one of the days of the Term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

Chicago Law Institute, a corporation, et al.,
Respondents

No. 40603 vs.

The County of Cook, a body corporate and politic,
Respondent

William Hettleman, et al.,
Petitioners

Petition for Leave to Appeal from Appellate Court First District 65 - Ch- 6863 51962

And now, on this day, the Court having duly considered the motion by petitioners for reconsideration of order denying petition for leave to appeal, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by petitioners for reconsideration of order denying petition for leave to appeal be, and the same is, denied.

# United States of America

State of Illinois } ss.
Supreme Court }

APPENDIX C

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the eleventh day of September in the year of our Lord, one thousand nine hundred and sixty-seven, within and for the State of Illinois.

PRESENT: ROY J. SOLFISBURG, JR., CHIEF JUSTICE

JUSTICE WALTER V. SCHAEFER — JUSTICE RAY I. KLINGBIEL

JUSTICE BYRON O. HOUSE — JUSTICE ROBERT C. UNDERWOOD

JUSTICE THOMAS E. KLUCZYNSKI — JUSTICE DANIEL P. WARD

WILLIAM C. CLARK, ATTORNEY GENERAL

ROBERT G. MILLS, MARSHAL

ATTEST: MRS. EARLE BENJAMIN SEARCY, CLERK

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BE IT REMEMBERED, that, to-wit: on the 14th day of September, A.D. 1967, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

Chicago Law Institute, a corporation, et al.,
Appellees

No. 40788 vs.

The County of Cook, a body corporate and politic, et al.,
Appellees

J. Edward Jones,
Appellant

Appeal from Circuit Court Cook County 65 - Ch - 6863

And now, on this day, the Court having duly considered the motion by appellant for leave to file Notice of Appeal, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by appellant for leave to file Notice of Appeal be, and the same is, denied.

# LIBRARIES of COLLEGES & UNIVERSITIES by Ciruits & Control

| CIRCUIT | Total No. | | No. Controlled Privately | | % of Total | CIRCUIT TOTAL | Publ. Contr. | % |
|---|---|---|---|---|---|---|---|---|
| Dist. of Col. | 19 | | 18 | | 94.74 | | | |
| **First Circuit** | | | | | | | | |
| Maine | 16 | | 10 | | | | | |
| Mass. | 78 | | 60 | | | | | |
| N.H. | 11 | | 8 | | | | | |
| Vt. | 11 | | 6 | | | | | |
| P. Rico | 4 | 120 | 3 | 87 | 72.50 | | | |
| **Second Circuit** | | | | | | | | |
| Conn. | 26 | | 17 | | | | | |
| N.Y. | 125 | | 113 | | | | | |
| R.I. | 10 | 161 | 8 | 138 | 85.71 | | | |
| **Third** | | | | | | | | |
| Del. | 3 | | 2 | | | | | |
| N.J. | 29 | | 20 | | | | | |
| Pa. | 94 | 126 | 83 | 105 | 83.33 | | | |
| **Fourth** | | | | | | | | |
| Md. | 35 | | 18 | | | | | |
| N.C. | 58 | | 42 | | | | | |
| S.C. | 22 | | 16 | | | | | |
| Va. | 34 | | 23 | | | | | |
| W.Va. | 14 | 163 | 5 | 104 | 63.80 | | | |

Source: U.S. Dept. Hlth, Educat. & Welf. Library Statistics, Coll. & Un. 1963-64. U.S. Print Off. 1965

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# LIBRARIES of COLLEGES & UNIVERSITIES by Circuits & Control P.2

| CIRCUIT | Total No. | | Pvt'ly Contr. | | % |
|---|---|---|---|---|---|
| Fifth | | | | | |
| Ala. | 20 | | 10 | | |
| Fla. | 40 | | 13 | | |
| Ga. | 42 | | 18 | | |
| La. | 19 | | 9 | | |
| Miss. | 23 | | 9 | | |
| Tex. | 84 | 228 | 39 | 98 | 43.00 |
| Sixth | | | | | |
| Ky. | 28 | | 22 | | |
| Mich. | 47 | | 26 | | |
| Oh. | 52 | | 46 | | |
| Tenn. | 38 | 165 | 33 | 127 | 77.00 |
| Seventh | | | | | |
| Ill. | 81 | | 56 | | |
| Ind. | 39 | | 34 | | |
| Wis. | 36 | 156 | 21 | 111 | 71.15 |
| Eighth | | | | | |
| Ark. | 13 | | 9 | | |
| Ia. | 42 | | 27 | | |
| Minn. | 34 | | 24 | | |
| Mo. | 51 | | 38 | | |
| Neb. | 19 | | 11 | | |
| N.D. | 13 | | 3 | | |
| S.D. | 12 | 184 | 6 | 118 | 64.13 |

| CIRCUIT | TOTAL No. | Pvt'l. Control | % |
|---|---|---|---|

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# LIBRARIES of COLLEGES & UNIVERSITIES by Circuits & Control

| CIRCUIT | TOTAL NO. | P'v'te Contr. | % |
|---|---|---|---|
| **Ninth** | | | |
| Ariz. | 6 | 2 | |
| Calif | 147 | 63 | |
| Hawaii | 3 | 2 | |
| Idaho | 9 | 2 | |
| Mont. | 9 | 3 | |
| Ore. | 26 | 15 | |
| Wash. | 26 | 11 | |
| | 226 | 98 | 43.36 |
| **Tenth** | | | |
| Colo. | 21 | 8 | |
| Kans. | 31 | 17 | |
| N.Mex. | 7 | 1 | |
| Okla. | 26 | 10 | |
| Utah | 5 | 2 | |
| Wyo. | 5 | 0 | |
| | 95 | 38 | 40.00 |

# RECAPITULATION

| CIRCUIT | TOTAL NO. | P'v'te Contr. | % |
|---|---|---|---|
| D.C. | 19 | 18 | 94.74 |
| 1st | 120 | 87 | 72.50 |
| 2nd | 161 | 138 | 85.71 |
| 3rd | 126 | 105 | 83.33 |
| 4th | 163 | 104 | 63.80 |
| 5th | 228 | 98 | 43.00% |
| 6th | 165 | 127 | 77.00 |
| 7th | 156 | 111 | 71.15 |
| 8th | 184 | 118 | 64.13 |
| 9th | 226 | 98 | 43.36 |
| 10th | 95 | 38 | 40.00 |
| TOTAL | 1643 | 1042 | 63.42 % |

# TABLE I. Libraries of Colleges & Universities

| | Type Inst. | OWNED Publicly | OWNED Privately | TOTAL | % of Type PRIVATELY owned | Publicly owned | TOTAL % |
|---|---|---|---|---|---|---|---|
| 1. | University | 90 | 60 | 150 | 40 % | 60.00% | 100.00 |
| 2. | Lib. Arts Coll. | 88 | 672 | 760 | 89.42% | 11.58% | 100.00 |
| 3. | Teachers " | 166 | 29 | 195 | 14.86% | 85.14% | 100.00 |
| 4. | Technical Sch. | 26 | 27 | 53 | 50.94% | 49.06% | 100.00 |
| 5. | Theolog. " | 0 | 166 | 166 | 100.00% | 00.00% | 100.00 |
| 6. | Other Prof. " | 10 | 103 | 113 | 91.15% | 8.85% | 100.00 |
| 7. | Jr. Colleges | 328 | 198 | 526 | 37.64% | 62.36% | 100.00 |
| | TOTAL | 708 | 1255 | 1963 | 63.93% | 36.07% | 100.00 |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1. | UNIVERSITY | 150 | LIBS. | FOUND | 7.64% | OF TOTAL (1963) | UNIVERSITY & COLL. | LIBRARIES. | | |
| 2. | LIBERAL ARTS | 760 | " | " | 38.75% | " | " | " | " | " |
| 3. | TEACHERS | 195 | " | " | 9.93% | " | " | " | " | " |
| 4. | TECHNICAL | 53 | " | " | 2.70% | " | " | " | " | " |
| 5. | THEOLOGICAL | 166 | " | " | 8.45% | " | " | " | " | " |
| 6. | Other PROFESS'L | 133 | " | " | 5.75% | " | " | " | " | " |
| 7. | JR. COLLEGES | 526 | " | " | 26.80% | " | " | " | " | " |
| | 1963 TOTAL | | | | 100.00% | " | " | " | " | " |

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# TABLE II. No. VOLUMES IN LIBRARIES in Each Type Institution

(Rounded to nearest million except as indicated)

| | Type Inst. | OWNED Publicly | OWNED Privately | TOTAL | % of Type OWNED Privately | % of Type OWNED Publicly | TOTAL % |
|---|---|---|---|---|---|---|---|
| 1. | University | 60 | 52 | 112 | 46.43% | 53.57% | 100.00 " |
| 2. | Lib. Arts Coll. | 9 | 45 | 54 | 83.33% | 16.67% | 100.00 " |
| 3. | Teachers " | 16 | 3 | 19 | 15.79% | 84.21% | 100.00 " |
| 4. | Technical Schls. | 2 | 1 | 3 | 33.34% | 66.67% | 100.00 " |
| 5. | Theolog. " | 0 | 8 | 8 | 100.00% | 00.00% | 100.00 " |
| 6. | Other Profes. " | 1 | 2 | 3 | 66.66% | 33.34% | 100.00 " |
| 7. | Jr. Colleges | 4 | 3 | 7 | 42.86% | 57.14% | 100.00 " |
| | TOTAL | 92 | 114 | 206 | 55.34% | 44.66% | 100.00 " |

| | | | | |
|---|---|---|---|---|
| I | UNIVERSITY | 112 mill vols = | 54.37% of TOTAL VOLS (206 mill.) in Univs. & Colleges | |
| II | LIBERAL ARTS | 54 " " = | 26.21% " " " " " " " " | |
| III | TEACHERS | 19 " " = | 9.22% " " " " " " " " | |
| IV | TECHNICAL | 3 " " = | 1.46% " " " " " " " " | |
| V | THEOLOGICAL | 8 " " = | 3.88% " " " " " " " " | |
| VI | Other PROFESS'L | 3 " " = | 1.46% " " " " " " " " | |
| VII | JR. COLLEGES | 7 " " = | 3.40% " " " " " " " " | |
| | TOTAL | 206 " " = | 100.00% " " " " " " " " | |

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# TABLE III. SPENT FOR BOOKS IN LIBRARIES in EACH TYPE INSTITUTION

(Rounded to nearest million, except as indicated)

| Type Inst. | OWNED Publicly* | OWNED Privately* | SPENT FOR BOOKS Publicly | SPENT FOR BOOKS Privately | As % of OPER COSTS Publicly | As % of OPER COSTS Privately |
|---|---|---|---|---|---|---|
| 1. UNIVERSITY | 61 | 39 | 20 | 11 | 32.79 | 28.25 |
| 2. LIB. ARTS Coll. | 14 | 32 | 4 | 10 | 28.57 | 31.25 |
| 3. TEACHERS " | 14 | 948M | 4 | 367M | 28.57 | 38.73 |
| 4. TECHNIC. SCHS. | 3 | 3 | 925M | 1 | 30.83 | 33.33 |
| 5. THEOLOGIC. " | 0 | 4 | 0 | 1 250M | 00 | 23.00 |
| 6. OTHER PROF. " | 731M | 1,853 | 244M | 571M | 33.38 | 30.82 |
| 7. JR. COLLEGES | 8 150 | 2 271 | 2,346M | 650M | 28.79 | 24.22 |
| | 101 | 83 | 31,500 | 24,500 | 31.49 | 30.00 |

* Total Operating Costs

# TABLE IV. ENROLLMENT IN PUBLIC & PRIVATE UNIVERSITIES & COLLEGES

| | NO REPORTS Publicly | NO REPORTS Privately | NO REPORTS TOTAL | % of Total Each Class Private | % of Total Each Class Public | % of Total Each Class TOTAL % | % of Total Rep'tg (1437) Private | % of Total Rep'tg (1437) Public |
|---|---|---|---|---|---|---|---|---|
| A Under 500 | 21 | 416 | 437 | 95.19 % | 4.81 % | 100.00 | 28.95 % | 1.42 % |
| B 500-999 | 46 | 293 | 339 | 86.43 % | 13.57 % | 100.00 | 23.60 % | 3.20 % |
| C 1000-2499 | 108 | 239 | 347 | 68.88 % | 31.13 % | 100.00 | 16.63 % | 7.52 % |
| D 2500-4999 | 101 | 47 | 148 | 31.76 % | 68.24 % | 100.00 | 3.27 % | 7.03 % |
| E 5000-9999 | 51 | 40 | 91 | 43.91 % | 56.09 % | 100.00 | 2.79 % | 3.55 % |
| F 10,000 or Over | 53 | 22 | 75 | 29.33 % | 70.67 % | 100.00 | 1.53 % | 3.67 % |
| TOTAL REPORTING | | 1057 | 1437 | 73.56 % | [illegible] % | 100.00 | | |

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# COMPARISON BETWEEN CONTROLS OVER LAW SCHOOL LIBRARIES, ETC.

(Arranged by Circuits. No. of Libraries in each by figure. M. vols in parenthesis)

| | Law Schools | Law Firms | Corp. Law Lib. | TOTAL Libraries | TOTAL Volumes M | STATE & Municipal Libraries | STATE & Municipal Vols. M |
|---|---|---|---|---|---|---|---|
| Dist. of Col. | 5 (363 M) | 4 ( 41) | 2 ( ?) | 11 | 404 | | |
| First Cir. | 7 (1,376 ..) | 4 ( 43) | 5 ( 23) | 16 | 1,447 | 3 | 95 .. |
| Second .. | 9 (1,091 ..) | 46 (656) | 24 (170) | 79 | 1,917 | 2 | 107 .. |
| Third .. | 7 ( 619 ..) | 8 ( 69) | 12 (110) | 27 | 798 | 1 | 150 .. |
| Fourth .. | 5 (251 ..) | 0 | 3 ( 45) | 8 | 296 | 6 | 477 .. |
| Fifth .. | 10 (616 ..) | 13 (159) | 5 ( 60) | 28 | 835 | 9 | 959 .. |
| Sixth .. | 8 (428 ..) | 9 (113) | 9 ( 69) | 26 | 610 | 10 | 984 .. |
| Seventh .. | 9 ( 752 ..) | 14 (157) | 12 ( 74) | 35 | 983 | 2 | 283 .. |
| Eighth .. | 5 ( 288 ..) | 7 ( 36) | 5 ( 36) | 17 | 360 | 7 | 787 .. |
| Ninth .. | 13 (544 ..) | 21 (183) | 13 (104) | 47 | 831 | 7 | 839 .. |
| Tenth .. | 3 ( 111 ..) | 0 | 7 ( 98) | 10 | 199 | 7 | 417 .. |
| | 81 (6,439 ..) | 126 (1457) | 97 (789) | 304 | 8,685 M | 54 | 4,698 .. |

# GEOGRAPHICAL DISTRIBUTION of LAW LIBRARIES IN LAW SCHOOLS

| | STATE or MUNIC. Controlled BY | | CHURCHES. | | NON-SECTARIAN | | TOTAL | |
|---|---|---|---|---|---|---|---|---|
| | No. Libr. | % of Tot. | No. Libr. | % of Tot. | No. Libr. | % of Tot. | No. Lib | % Tot. |
| Dist of Col. | 0 | 0 | 3 | 7.14 | 2 | 5.13 | 5 | 3.70 |
| First Cir. | 3 | 5.56 | 2 | 4.76 | 5 | 12.82 | 10 | 7.41 |
| Second " | 2 | 3.70 | 2 | 4.76 | 7 | 17.95 | 11 | 8.15 |
| Third " | 1 | 1.85 | 4 | 9.53 | 3 | 7.69 | 8 | 5.93 |
| Fourth " | 6 | 11.12 | 3 | 7.14 | 2 | 5.13 | 11 | 8.15 |
| Fifth " | 9 | 16.69 | 8 | 19.06 | 2 | 5.13 | 19 | 14.07 |
| Sixth " | 10 | 18.50 | 3 | 7.14 | 5 | 12.82 | 18 | 13.33 |
| Seventh " | 2 | 3.70 | 5 | 11.91 | 4 | 10.25 | 11 | 8.15 |
| Eighth " | 7 | 12.96 | 2 | 4.76 | 3 | 7.69 | 12 | 8.89 |
| Ninth " | 7 | 12.96 | 7 | 16.16 | 6 | 15.38 | 20 | 14.83 |
| Tenth " | 7 | 12.96 | 3 | 7.14 | 0 | 0 | 10 | 7.40 |
| TOTAL | 54 | 100.00% | 42 | 100.00% | 39 | 100.00% | 135 | 100.00% |
| Above Mid-III | 8 | 14.82% | 20 in 57.1% Circuits | 47.62% | 21 in Mid-Atl. | 53.85% | | |
| 6 Circuits South of Mid-Atl. | | 85.18% | | | | | | |

# LAW SCHOOL LIBRARIES AUNIVERSITY AFFILIATED B.UNAFFIL.

(Arranged by Circuits. No. of Libraries in each by figure. No. of Vols. in Parenthesis)

| Control: State 1 | Munic. 2 | Cath. 3 | Bapt. 4 | Luth. 5 | Method. 6 | Presb. 7 | Non-Sectar. 8 | Tot. Libs | Tot. Vols. | Non-Sect. |
|---|---|---|---|---|---|---|---|---|---|---|
| D.C. | | 2(185M) | | | 1(36M) | | 2(142) | 5 | 363M. | |
| First Cir. | 3(95) | 2(89) | | | | | 4(1262) | 9 | 1,446. | 1(25) |
| Second " | 2(107) | 2(117) | | | | | 5(849) | 9 | 1,073. | 2(125) |
| Third " | 1(150) | 3(211) | | | 1(50) | | 3(358) | 8 | 769. | |
| Fourth " | 6(477) | | 2(67) | | 1(134) | | 2(50) | 11 | 728. | |
| Fifth " | 9(559) | 2(64) | 4(128) | | 2(188) | | 2(236) | 18 | 1,175. | |
| Sixth " | 6(791) | 4(193) | 1(50) | | 1(27) | 1(35) | 2(186) | 15 | 1,282. | 3(130) |
| Seventh " | 2(283) | 4(204) | 1(35) | | | | 2(441) | 9 | 963. | 2(72) |
| Eighth " | 7(787) | 2(118) | | | | | 2(133) | 11 | 1,038. | 1(37) |
| Ninth " | 7(839) | 5(206) | | | 2(37) | | 4(270) | 18 | 1,352. | 2(31) |
| Tenth " | 6(389) | 1(28) | | | 2(77) | 1(34) | 0 | 10 | 528. | |
| TOTAL | 49(4,470) | 22(1,123) | 7(245) | | 10(551) | 1(34) | 28(3927) | 124 | 10,717M | 11(420) |

TOTAL LAW SCHOOL LIBS. UNAFFIL 11 420

GRAND TOTAL 135 11,137M vols

# I. LAW SCHOOL LIBRARIES

## A. UNIVERSITY AFFILIATED

Figs. in parentheses after name of Law School indicate number of vols. - rounded to nearest 1000

Controlled by State[1] Music Cath.[3] Ch. Bapt.[4] Luth.[5] Method.[6] Presb. NON-Sectarian[8]

### DISTRICT of Columbia

Cath. U.(45)
Georgetown (44)
Amer. U.(36) (Wash. Coll. Law)
Geo. Wash.(70)
Howard U.(12)

### FIRST Circuit

**MAINE**

P'tland U. of Me.(35)

**MASS.**

Amherst ... Mass.(10)

Boston

Brighton — Boston Coll.(68)

Boston U.(61)
Suffolk U.(31)

| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| Cambridge | | | | | | | | Harvard U(1,081) |
| Medford | | | | | | | | Tufts(Fletcher)( 83) |
| PUERTO RICO | | | | | | | | |
| Ponce | | | | | | Cath.U.(21) | | |
| Rio Piedras | " | " | P.R(50) | | | | | |
| SECOND Circuit | | | | | | | | |
| CONN. | | | | | | | | |
| New Haven | | | | | | | | Yale U. (410) |
| W. Hartford | " | " | Conn(49) | | | | | |
| NEW YORK | | | | | | | | |
| Brklyn | | | | | | St.John's(25) | | |
| Buffalo | | St.e-4(C)(58) | | | | | | |
| Ithaca | | | | | | | | Cornell U. ( 68) |
| N.Y.C. | | | | | | Fordham(92) | | Columbia U.(450) |
| | | | | | | | | N.Y.U. ( 235) |
| Syracuse | | | | | | | | Syracuse U( 96) |

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| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8 |
|---|---|---|---|---|---|---|---|---|
| **THIRD Circuit** | | | | | | | | |
| **N.J.** | | | | | | | | |
| Camden | Rutgers(150) | | | | | | | |
| Newark | | | Seton Hall(55) | | | | | |
| **PA.** | | | | | | | | |
| Carlisle | | | | | | Dickinson(50) | | |
| Phila. | | | | | | | | Temple U.(109)<br>U. of Pa. (182) |
| Pittsburgh | | | Duquesne(38) | | | | | U. of Pittsbgh(67) |
| Villanova | | | Villanova(118) | | | | | |
| **FOURTH Cicuit** | | | | | | | | |
| **MD** | | | | | | | | |
| Balto | U. of Md(45) | | | | | | | U. of Balto(15) |

| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| VA. | | | | | | | | |
| Charlottesville | U. of Va (165) | | | | | | | |
| Lexington | | | | | | | | Wash & Lee (35) |
| Richmond | | | U. of Richmond (53) | | | | | |
| Wmsburgh | Coll. of Wm & Mary (31) | | | | | | | |
| W. VA. | | | | | | | | |
| Morgantn | W. Va. U. (71) | | | | | | | |
| N. C. | | | | | | | | |
| Chapel Hill | U. of N.C. (104) | | | | | | | |
| Durham | | | | | | Duke U. (134) | | |
| Winston Salem | | | Wake Forest (34) | | | | | |
| S. C. | | | | | | | | |
| Columbia | " S.C. (55) | | | | | | | |
| FIFTH Circuit | | | | | | | | |
| ALA. - Birmingham | | | Samford U. (36) | | | | | |
| University | " Ala (54) | | | | | | | |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|---|
| FLA. | | | | | | | | |
| Coral Gables | | | | | | | | U. of Miami (114) |
| St. Petersburg | | | | | Stetson U(50) | | | |
| Tallahassee | | | | Fla. St U(26) | | | | |
| GA. | | | | | | | | |
| Athens | | U. of Ga(56) | | | | | | |
| Atlanta | | | | | | Emory U(59) | | |
| Macon | | | | | Mercer U(40) | | | |
| MISS. | | | | | | | | |
| University | | | | Miss(44) | | | | |
| LA. | | | | | | | | |
| Baton Rouge | | | | La. St U(135) | | | | |
| N. Orleans | | | | (Southern U.(33)) | Loyola(32) | | | Tulane U.(122) |
| TEXAS | | | | | | | | |
| Austin | | U. of Tex(135) | | | | | | |
| Dallas | | | | | | So. Meth U(29) | | |

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1. 2. 3. 4. 5. 6. 7. 8.

Houston Tex.South(26)
U.of Houston(50)
San Antonio St.Mary's(U32)
Waco Baylor U(52)

SIXTH Circuit

KY.
Lexington U.of Ky(85)
Louisville U.of Louisville(52)

TENN.
Knoxville " "Tenn(59)
Memphis Memph.State U(26)
Nashville Vanderbilt U(81)

OHIO
Ada Oh.North(35)
Akron U.of Akron(45)
Cincinnati " "Cincian(49)

20 P

| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| Cleveland | | | | | | | | Western Reserve(105) |
| Columbus | | Oh.St.U(218) | | | Franklin(27) | | | |
| Toledo | | | U.of Toledo(47) | | | | | |
| **MICH.** | | | | | | | | |
| Ann Arbor | | U.of Mich(342) | | | | | | |
| Detroit | | Wayne U.(62) | | U.of Detroit(50) | | | | |

**SEVENTH Circuit**

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **IND.** | | | | | | | | |
| Bloomington | | Ind.U.(110) | | | | | | |
| Notre Dame | | | N.Dame U.(65) | | | | | |
| Valparaiso | | | | | Valparaiso(35) | | | |
| **ILL.** | | | | | | | | |
| Champaign | | U.of Ill(480) | | | | | | |
| Chicago | | | DePaul U.(54) | | | | | Northwestern U.(233) |
| | | | Loyola U.(42) | | | | | U.of Chicago (208) |

21a

| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| WISC. | | | | | | | | |
| Madison | U. of Wisc (103) | | | | | | | |
| Milwaukee | | | Marquette U (53) | | | | | |
| EIGHTH Circuit | | | | | | | | |
| IA. | | | | | | | | |
| Des Moines | St. U. of Ia (130) | | | | | | | |
| Ia City | | | | | | | Drake U. (33) | |
| MINN. | | | | | | | | |
| M'polis | U. of Minn (290) | | | | | | | |
| MO. | | | | | | | | |
| Columbia | " Mo. (110) | | | | | | | |
| St Louis | | | St. Louis U (70) | | | | Washington U (100) | |
| NEB. | | | | | | | | |
| Lincoln | " Neb. (144) | | | | | | | |
| Omaha | | | Creighton (48) | | | | | |

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| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| ARK. | | | | | | | | |
| Fayetteville | U. of Ark (42) | | | | | | | |
| N.D. | | | | | | | | |
| Grand Forks | " " N.D. (43) | | | | | | | |
| S.D. | | | | | | | | |
| Vermillion | " " S.D. (28) | | | | | | | |
| NINTH Circuit | | | | | | | | |
| ARIZ. | | | | | | | | |
| Tucson | U. of Ariz (45) | | | | | | | |
| CALIF. | | | | | | | | |
| Los Angeles | U. of Calif (413 - all bindes) | Loyola (70) | | | | | U. of So. Calif. (103) | |
| San Diego | | U. of San Diego (30) | | | | | | |
| " Francisco | " " " | " San Francisco (36) | | | | | Calif. Western (30) | |
| Santa Clara | | " Santa Clara (45) | | | | | Lincoln U (San Francisco) | |
| Stanford | | | | | | | Stanford U (115) | |
| Sacramento | | | | | | U. of Pacific (14) | | |

| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| ORE. | | | | | | | | |
| Eugene | U. of Ore(62) | | | | | | | |
| Salem | | | | | | Willamette U(23) | | |
| WASH. | | | | | | | | |
| Seattle | " " Wash(68) | | | | | | | |
| Spokane | | | | | Gonzaga(25) | | | |
| MONT. | | | | | | | | |
| Missoula | Mont. St U.(46) | | | | | | | |
| IDAHO | | | | | | | | |
| Moscow | U. of Idaho(31) | | | | | | | |
| HAWAII | | | | | | | | |
| Honolulu | " " Hawaii(47) | | | | | | | |
| TENTH | Circuit | | | | | | | |
| WYO. | | | | | | | | |
| Laramie | U. of Wyo(32) | | | | | | | |

240

| | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|---|---|---|---|---|---|---|---|---|
| UTAH | | | | | | | | |
| Salt Lk. City | Un. of Utah (70) | | | | | | | |
| COLO. | | | | | | | | |
| Boulder | " | " | Colo (85) | | | | | |
| Denver | | | | | | U. of Denver (55) | | |
| OKLA. | | | | | | | | |
| Norman | " | " | Okla (55) | | | | | |
| Okla. City | | | | | | Okla. City U (22) | | |
| Tulsa | | | | | | U. of Tulsa (34) | | |
| KAS. | | | | | | | | |
| Lawrence | " | " | Kas (80) | | | | | |
| Topeka | | | Washburn U (28) | | | | | |
| N. MEX. | | | | | | | | |
| Albuquerque | " | " | N. Mexico (63) | | | | | |

B UNAFFILIATED WITH ANY UNIVERSITY

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| FIRST Circuit | | | | | | | | |
| MASS. | | | | | | | | |
| Boston | | | | | | Portia L.S. (25) | | |

252

1. 2. 3. 4. 5. 6. 7. 8.

SECOND Circuit
NEW YORK
Brooklyn — Brooklyn L.S.(55)
New York City — New York L.S.(70)
SIXTH Circuit
OHIO- Cincinnati — Salmon P. Chase L.S.(25)
Cleveland — Cleve'd-Marshall L.S.(70)
MICHIGAN
Detroit — Detroit Coll. of Law (40)
SEVENTH Circuit
ILLINOIS
Chicago — Chicago-Kent Coll. of Law (40)
John Marshall Law Sch. (32)
EIGHTH Circuit
MINNESOTA
St. Paul — Wm. Mitchell Coll. of Law (37)
NINTH Circuit
CALIFORNIA
San Francisco — Golden Gate L.S.(19)
San Francisco L.S.(12)

26a

# LAW FIRM LAW LIBRARIES
(Arranged by Circuits)
(No. of Vols. Within Parenthesis)

## DISTRICT of COLUMBIA

Alvord & Alvord (10)
Arnold, FORTAS & Porter (8)
Covington & Burling (18)
Wilmer, Cutler & Pickering (5)

## FIRST CIRCUIT

Massachusetts
Boston

Bingham, Dana & Gould (12)
Choate, Hall & Head (12)
Hale & Dorr (11)
Herrick, Smith, Donald, Farley & Ketchum (8)

## SECOND CIRCUIT

New York
New York City

1. Bingham, Endar, Jones & Houston (12)
2. Breed, Abbott & Morgan (13)
3. Cadwalader, Wickersham & Taft (15)
4. Cahill, Gordon, Reindel & Ohl (25)
5. Carter, Ledyard & Milburn (12)
6. Chadbourne, Park, Whiteside, & Wolff (14)
7. Cleary, Gottlieb, Friendly & Steen (10)
8. Conboy, Hewitt, O'Brien & Boardman (16)
9. Cravath, Swaine & Moore (24)
10. Curtis, Mallet-Prevost, Colt & Mosle (25)
11. Davies, Hardy & Schenck (15)
12. Davis, Polk, Wardwell, Sunderland & Kiendl (42)
13. Debevoise, Plimpton & Gates (17)
14. Dewey, Ballantine, Bushby, Palmer & Wood (24)
15. Donovan, Leisure, Newton & Irvine (17)
16. Fish, Richardson & Neave (5)
17. Haight, Gardner, Poor & Havens (8)
18. Hawkins, Delafield & Wood (7)

Appendix E-2A

N.Y.C. (Cont.)

19. HUGHES, Hubbard, Blair & Reed (8)
20. Kaye, Scholer, Fierman, Hays & Handler (20)
21. LeBoeuf, Lamb & Leiby (10)
22. Lord, Day & Lord (16)
23. McLanahan, Merritt & Ingraham (9)
24. Meyer, Kissell, Matz & Seward (7)
25. Mitchell, Capron, Marsh, Angelo & Long

26. Milbank, Tweed, Hadley & McCloy (18)
27. Nixon, Mudge, Rose, Guthrie & Alexander (14)
28. Parker, Duryee, Benjamin, Zunino & Malone (6)
29. Paul, Weiss, Rifkind, Wharton & Garrison (8)
30. Pennie, Edmonds, Morton, Taylor & Adams (16)
31. Proskauer, Rose, Goetz, & Mendelsohn (7)

32. Reid & Priest (12)
33. Root, Barrett, Cohen, Knapp & Smith (15)
34. Rosenman, Colin, Kaye, Petschek & Freund (9)
35. Royall, Koegal & Rogers (15)

36. Shearman & Sterling (35)
37. Simpson, Thacher & Bartlett (17)
38. Skadden, Arps, Slate, Meagher & Flom (5)
39. Strasser, Spiegelberg, Fried & Frank (8)
40. Sullivan & Cromwell (18)
41. Symmes, Fish & Harmer (5)

42. White & Case (20)
43. Whitman, Ransom & Coulson (7)
44. Willkie, Farr, Gallagher, Walton & Fitzgibbon (30)
45. Winthrop, Stimson, Putnam & Roberts (15)

Rochester

Nixon, Hargrave, Devans & Doyle (9)

THIRD CIRCUIT

N.J.

Newark

Pitney, Hardin & Kipp

Appendix E - 3A

PENNA.

Philadelphia

Ballard, Spahr, Andrews & Ingersoll (10)
Montgomery, McCracken, Walker & Rhoads (8)
Morgan, Lewis & Bockius (16)
Pepper, Hamilton & Scheetz (10)
Schnader, Harrison, Segal & Lewis (8)

Pittsburgh

Reed, Smith, Shaw & McClay (11)
Kirkpatrick, Pomeroy, Lockhart & Johnson (6)

FIFTH CIRCUIT

ALABAMA
Birmingham

Martin, Balch, Bingham & Hawthorne (12)

FLORIDA
Miami
Blackwell, Walker & Gray (6)
Brigham, Smith & Forbes (8)
Fowler, White, Gillam, Hinkey & Trenard
Nichols, Gaither, Beckham, Gleason & Spence (7)
Smathers & Thompson (5)
Walton, Lanthoff, Schroeder, Atkins, Carson & Hahl (20)

St. Petersburg

Mann, Harrison & Stone

MISSISSIPPI
Jackson

Wells, Thomas & Wells (6)

LOUISIANA
New Orleans
Deutsch, Kerrigan & Stiles (13)

Appendix F-4A

## TEXAS

### Dallas

Carrington, Johnson & Stephens (10)
Locke, Purnell, Boyen, Laney & Neely (50)

### Houston

Baker, Botts, Shepherd, Thorp, Knight (22)

## SIXTH CIRCUIT

## OHIO

### Cincinnati

Dinsmore, Shohl, Barrett, Coats & Deupree (10)

### Cleveland

Arter, Hadden, Wykoff & Van Duze (15)
Baker, Hostetler & Patterson (20)
Jones, Day, Cockley & Reavis (18)
Squire, Sanders & Dempsey (18)
Thompson, Hine & Floy

### Toledo

Fuller, Seney, Henry & Hodges (12)
Marshall, Melhorn, Bloch & Belt (20)

## MICHIGAN

### Detroit

Butzel, Eamon, Long (13)

## SEVENTH CIRCUIT

## ILLINOIS

### Chicago

1. Baker, McKenzie & Hightower (11)
2. Bell, Boyd, Lloyd & Haddad (5)

3. Chapman & Cutler (11)
4. Gardner, Carter, Douglas & Chilgren
5. Kirkland, Ellis, Hodson, Chaffetz & Masters (23)
6. Lord, Bissell & Brook (8)
7. Mayer, Friedlich, Spiess, Tierney, Brown & Platt (25)
8. Raymond, Mayer, Jenner & Block (12)
9. Ross, Hardies, O'Keefe, Babcock & McDugal (24)
10. Seyfarth, Shaw, Fairweather & Geraldson (7)
11. Sidley, Austin, Burgess & Smith (12)
12. Stevenson, Conaghan, Hackbert, Rooks & Pitts (10)
13. Winston, Strawn, Smith & Patterson (9)

INDIANA

Indianapolis

Barnes, Hickman, Pantzer & Boyd (12)

EIGHTH CIRCUIT

MINNESOTA

Minneapolis

Dorsey, Owen

Saint Paul

Briggs & Morgan (10)
Faricy, Moore, Costello & Hart (5)
Oppenheimer

MISSOURI

Kansas City

Lathrop, Righter, Gordon & Parker (9)
Morrison, Hecker, Cozer & Morrison (7)

Saint Louis

Lewis, Rice, Tucker, Allen & Chubb (5)

NINTH CIRCUIT

CALIFORNIA

Fresno

Thomas, Snell, Jamison, Russell, Wms, & Aperger

Los Angeles

Gibson, Dunn & Crutch (16)
Kindel & Anderson (9)
Latham & Watkins
Loeb & Loeb (8)
MaCutcheon, Block, Verleger & Shea (7)

Oakland

Fitzgerald, Abbott, & Beardsley (5)

San Diego

Luce, Forward, Hamilton & Scripps (7)

San Francisco

Bancroft, Avery & McAllister
Cushing, Cullinan, Hancock & Rothert (9)
McCutcheon, Doyle, Browne, Traut (17)
Morrison, Foerster, Holloway, Clinton & Clark (18)
Orrick, Dahlquist, Herrington & Sutcliffe (14)
Pillsbury, Madison & Sutro (30)

Santa Maria

Clare, Bushman & Baldwin

OREGON
Portland

King, Miller, Anderson, Nash & Yerkes (11)

WASHINGTON
Seattle

Preston, Thorgrimson, Horowitz, Starin & Ellis (8)
Schuepp, Rector, Doolittle & Krug (14)

Spokane

Gaiser, Stoeve & L (10)

Appendix E - 1B

# LARGER CORPORATE LAW LIBRARIES

(Arranged by Circuits)
(No. Published Figs. On Vols.)
(except as indicated)

## DISTRICT of COLUMBIA

Air Transport Assn. of America (11)
Potomac Electric Co.

## FIRST CIRCUIT

Massachusetts

Boston
John Hancock Mutual Life Ins. Co. (15)
Liberty Mutual INS. Co. (8)

Gardner
Nat'l Furniture & Traffic C

Lexington
Raytheon

Springfield
Mass. Mutual Life Ins. Co.

## SECOND CIRCUIT

Vermont

Montpelier
National Life Ins. Co. (13)

Connecticut

Hartford
Conn. Gen'l Life Ins. Co.
Conn. Mutual Life Ins. Co.
Travelers Ins. Co. (12)

NEW YORK

Brooklyn
Amer. Law Book Co.

New York City
Amer. Meta Climax Co.
Amer. Tel & Tel. Co.
Bender (Matthew) & Co.

C.I.T. Financial Corp.
Columbia Gas System
Equitable Life Insurance Co. (14)
Esso Standard Eastern, Inc. (3)
International Nickel Co. (2)
International Tel & Tel. Co. (6)
Metropolitan Life Ins. Co. of N.Y. (22)
Mutual Life Ins. Co of N.Y. (31)
New York Central R.R. Co. (20)
New York Life Ins. Co. (24)
New York Tel. Co. (14)
Olin Mathiessen Chemical Corp.
Shell Oil Co. (9)
Teachers Ins. Co.
Internat'l Business Mach. Corp.

Rye
Continental Baking Co.

THIRD CIRCUIT

Delaware
Wilmington

E.I.DuPont de Nemours & Co. (12)
Hercules Powder Co. (5)

New Jersey
Bloomfield

Schering Corp. (20)

Newark

American Ins. Co.
New Jersey Bell Tel. Co. (6)
Prudential Ins. Co. (35)

Rahway

Merck & Co. (6)

PENNSYLVANIA
Bethlehem

Bethlehem Steel Co.

Lancaster
Armstrong Cork Co.

Philadelphia
Penn Mutual Life Ins. Co. (6)

Pittsburgh
U.S. Steel Co. (13)
Pittsburgh Plate Glass Co. (7)

FOURTH CIRCUIT

Maryland

Baltimore
Fidelity & Deposit Co. of Md. (22)

Virginia

Norfolk
Seaboard Airline R.R. Co. (8)
Reynolds Metal Co. (Richmond, Va) (15)

FIFTH CIRCUIT

Florida

Jacksonville
Atlantic Coast Line R.R. Co. (10)

Texas

Houston
Gulf Oil Corp. (13)
Humble Oil & Refining Co. (30)
Schlumberger-Well Survey Co.
Tenn Gas Transm. Co. (Tenneco) (7)

SIXTH CIRCUIT

Ohio

Akron
Goodyear Tire & Rubber Co (9)

Cincinnati
General Electric Co. (8)

Michigan

Appendix E -4B

Detroit
Chesapeake & Ohio Rwy. Co. (10)
Ford Motor Co.
General Motors Corp. (26)
United Auto Workers Internat'l

Jackson
Consumers Power Co. ( 9)

Kalamazoo
Upjohn Co.

Midland
Dow Chemical Co. ( 7)

SEVENTH CIRCUIT

Illinois

Bloomington
State Farm Mutual Auto Ins. Co. (11)

Chicago - Amer. Oil Corp. ( 8)
Chicago Title & Trust Co. ( 8)
Lumberman's Mutual Casualty Co. (10)
Vapor Corp.
Armour Corp.

Evanston
Washington National Ins. Co. ( 8)

Moline
Deere & Co. ( 6)
N. Chgo. Abbott Labs.

Northlake
Automatic Electric Co.

Indiana

Fort Wayne
Lincoln National Life Ins. Co. ( 8)

Wisconsin

Milwaukee
Northwest. Mutual Life Ins. Co. (15)

Appendix E – 5B

EIGHTH CIRCUIT

Minneapolis, Minn.

Carpill, Inc. (8)
Prudential Life Ins. Co., Northwest Office (6)
Soo Line R.R. (9)

Saint Paul, Minn.

Minn. Mfg. & Mining (7)

Saint Louis, Missouri

Gen'l Amer. Life Ins. Co. (6)

NINTH CIRCUIT

California

Fullerton

Beekman Inst.

Los Angeles

Occidental Life Ins. Co. (7)
Richfield Oil Corp. (7)
Southern Calif. Gas Co. (10)
Union Oil Co. (5)

San Francisco

Bank of America (10)
California Research Corp.
The Fund Americas Cos. (8)
Pacific Gas & Electric Co. (17)
Pacific Tel. & Tel. Co. (16)

Santa Maria - Douglas Aircraft Co (4)

Montana

Butte

Anaconda Copper Co. (20)

Oregon - Portland - Union Pacific RR

TENTH CIRCUIT

Colorado Springs, Colo.

Shepard's Citations, Inc. (50)

Denver, Colo.

Great Western Sugar Co.

Oklahoma

Bartlesville
Cities Service Oil Co (15)
Phillips Petroleum Corp. (13)

Tulsa
Pan Amer. Petroleum Corp.
Sunray DX Oil Corp. (10)
Shell Oil Corp. (10)

## OFFICE BUILDING LIBRARIES
(Fees charged lawyers & tenants)

SECOND CIRCUIT
New York

N.Y.C.
Lincoln Bldg.

FOURTH CIRCUIT
South Carolina

Charlotte
Charlotte Law Library Bldg (15)

SEVENTH CIRCUIT
Illinois

Chicago (14)
Field Building

EIGHTH CIRCUIT
Arkansas

Fort Smith
Atkinson Improvement Co. (18)

TENTH CIRCUIT
Colorado - Denver
American Nat'l Bk. Bldg (12)
Symes Bldg (53)

## APPENDIX F.

### Constitutional Provisions, Statutes And Ordinances Involved.

1. Illinois Corporation Act of 1871-1872 (Hurd's Rev. Stats., Ill. Laws, 1912 ed., p. 565), relating to not-for-profit corporations:

"Sec. 33. No dividend or distribution of the property of such corporation . . . shall be made until all debts are fully paid, and then only upon its final dissolution and surrender of organization and name; nor shall any *distribution* be *made* except *by a vote of a majority of the members.*" (italics supplied)

"Sec. 34. Any such corporation . . . may change its articles . . ., in the manner prescribed by their own rules; but no such change shall be of legal effect, until a certificate thereof, under the seal of such corporation . . . shall be filed in the office of the secretary of state, and recorded in the office of the recorder of deeds in which the original certificate was recorded."

An Act, approved April 24, 1901, in relation to "Corporations Not-for Profit Under Special Charters (Hurd's Rev. Stats., Ill. Laws, 1912 ed., p. 566):

"Par. 2. That hereafter, whenever any corporation, not for pecuniary profit, existing by virtue of any special law of this State, shall desire to avail itself of the right to . . . *enlarge or change the object for which it was formed, as now authorized,* or as may be hereafter authorized, *by general law,* SUCH CHANGE SHALL NOT OPERATE AS A WAIVER, RELEASE OR FORFEITURE OF ANY OF THE POWERS, RIGHTS OR PRIVILEGES OF SUCH CORPORATION GRANTED TO OR SECURED BY IT UNDER AND BY VIRTUE OF SUCH

SPECIAL ACT, AND ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH ARE HEREBY REPEALED." (italics supplied).

2. *Resolution by Board of Commissioners of Cook Co.*, Printed in its Journal of Proceedings December 11, 1962:

"WHEREAS, the Public Building Commission of Chicago has recommended that the County of Cook establish a PUBLIC law library in the new Civic Center; and

"Whereas, The Chicago Law Institute has been asked to donate its library collection to the proposed Cook County Law Library; and

"Whereas, on November 30, 1962, the President of the Board of Commissioners of Cook County, in a letter to the President of the Chicago Law Institute, submitted the following proposal:

1. The name of the law library shall be the Chicago Law Institute Library, thus preserving traditions respected by all the members of the Bar.
2. The law library shall be available to all members of the bar AND to THE PUBLIC generally.
3. An advisory board of nine members, composed of lawyers admitted to practice before the Supreme Court of the State of Illinois, shall be established. The Deputy Court Administrator of Cook County shall be a member, two-thirds of the members shall be named initially by the MEMBERSHIP of the Chicago Law Institute, and the JUDGES of the Circuit Court of Cook County shall elect the other two members. The advisory board shall establish the policy for the operation and maintenance of the law library, which shall be directed by a professional law librarian.
4. Withdrawal privileges shall be extended to all lawyers admitted to practice before the Supreme Court of Illinois and to those members of the public demonstrating financial responsibility.

5. Cook County shall assume ownership of the library collection of the Chicago Law Institute PRIOR to its being moved to the Civic Center.

"NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County concur in the proposal of the President submitted to the Chicago Law Institute on November 30, 1962; and BE IT FURTHER RESOLVED that, if it is NOT feasible for the Chicago Law Institute to move its library collection to the new Civic Center, that it is the INTENTION of the Board of Commissioners of Cook County to allow the Chicago Law Institute to REMAIN IN THE SAME LOCATION WITHIN THE COUNTY BUILDING." (italics supplied).

3. *The Laws of the Illinois Legislature for 1963*, p. 2441, sec. 1 amended as of August 6, 1963, as the result of the introduction and sponsorship, on May 8, 1963 of House Bill 1199 by Senator Donald J. O'Brien, spokesman for the Chairman of the Public Buildings Commission of Chicago (the Mayor of Chicago), The County Law Libraries Act, 1965 Ill. Rev. Stats., ch. 81, sec. 81, to read as follows:

"The county board of any county may establish and maintain a county law library, to be located in any county building at the county seat of government. The term 'county building' shall include premises leased by the county from a public building commission created pursuant to the Public Building Commission Act, approved July 5, 1955, as amended.

"The facilities of such library shall be FREELY available to all licensed Illinois attorneys, judges, . . . and to ALL MEMBERS OF THE PUBLIC. . . .

"Each such clerk shall commence such charges and collections upon receipt of written notice from the chairman of such county board that the board has acted under the provisions of this Act to establish and maintain such a law library.

"Such fees . . . shall be remitted by such clerks monthly to the county treasurer, and by him retained in a special fund designated as the County Law Library Fund . . . in any county having a population of more than 500,000 (counties of 500,000 or less only came under the Act prior to the Amendment in H.B. 1199) inhabitants, the county board shall order disbursements from such fund, and *such county board may appoint a library committee of not less than 9 members* who, by MAJORITY VOTE, may recommend to such county board as to disbursements of such fund and the operation of such library." (italics supplied).

4. *Resolution by Board of Commissioners of Cook County,* Printed in its Journal of Proceedings for September 30, 1963, authorizing the President to notify the Clerk of Court of its action to come under the County Law Library Act, as amended, above.

5. *Resolution by Board of Commissioners of Cook County,* Printed in its Journal of Proceedings for June 17, 1965, at page 1937:

"June 17, 1965

To the Honorable, the Members of the Board of Commissioners of Cook County.

Members:

Pursuant to authority vested in me by law, I hereby appoint *Thomas F. Allman*; Raymond Canady; *Joseph R. Cecchini*; John W. Daly; Louis J. Gilliberto; Ben Liss; Leo J. Powers; John W. Tuohy; Milton P. Webster to serve as members of the Advisory Board of the Cook County Law Library.

I urge the concurrence of the Cook County Board.

Respectfully submitted,
SEYMOUR SIMON,
President.

"Commissioner Wilson moved that the recommendation be concurred in.

*Yeas*: Bobrytzke, Bonk, Dolezal, Dunne, Erickson, Fulle, Grupp, Huppert, Piatrowski, Ryan, Sneed, Touhy, Wilson, Simon—14

*Nays*: None."

6. *Resolution by Board of Commissioners of Cook County,* Printed in its Journal of Proceedings for November 23, 1965, p. 3596:

"November 22, 1965

To the Honorable, the Members of the Board of Commissioners of Cook County.

Members:

I transmit herewith an agreement submitted by Robert Cushman, attorney for the Chicago Law Institute, providing for the donation of the library collection of the Chicago Law Institute to the Cook County Law Library.

This agreement has been reviewed by the State's Attorney. He states that the County may *legally* enter into this agreement.

Therefore, I request authority from the County Board to execute this agreement.

Respectfully submitted,
SEYMOUR SIMON
President"

The agreement (which was the same as Exhibit C later attached to the complaint in 65 CH 6863) followed at pp. 3597-3600, the pertinent concluding paragraph of the Resolution reading:

"Commissioner Bonk moved that the recommendation of the President be concurred in, and that the proper officials be authorized to sign the agreement on behalf of Cook County.

*Yeas*: Bobrytzke, Bonk, Chaplin, Dolesal, Erickson, Fulle, Grupp, Huppert, Piotrowski, Ryan, Sneed, Touhy, Wilson, Simon—15

Nays: None."

7. *U.S. Constitution*:

Art. I, s. 10: "No state shall pass any . . . . law impairing the obligation of contracts."

*Amendments,* Art. IV: "The right of the people to be secure in their . . . papers and effects against unreasonable search and seizure shall not be violated."

Art. V: "No person shall be . . . deprived of LIBERTY or property without due process of law; nor shall any private property be taken for public use without just compensation."

Art. XIV, s. 1: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.; nor shall any state deprive any person of . . . . LIBERTY or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

8. *Illinois Civil Practice Act* (1965 Ill. Rev. Stat., Chapter 110, Vol. 2)

a. Sec. 2: The Supreme Court of this State has power to make rules of pleading, practice and procedure for the . . . county, circuit, superior, Appellate and Supreme Courts' supplementary to, but *not inconsistent with* the provisions of this Act. (p. 1521)

b. Sec. 4: *This Act shall be liberally construed,* to the end that controversies may be speedily and finally determined *according to the substantive rights* of the parties. (p. 1522)

c. Sec. 57: *Summary Judgments and Decrees* (3) *Procedure.* The opposite party may . . . *at the time* of the hearing on the motion file counter-affidavits. The judgment or decree sought shall be rendered forthwith, if the *pleadings, . . . together with the affidavits,* if any, shall show that there is no genuine issue as to any *material* fact and that the moving party is entitled to a judgment or decree *as a matter of law.* (p. 1532)

d. Sec. 76: *Amendment of 1965, effective Jan. 1, 1966. Limitation of review*—Perfection of appeal. (1) No

appeal may be taken from a trial court to the Supreme or Appellate Court after the expiration of 30 days from the entry of the order, decree, judgment or other determination complained of, but notice of appeal may be filed after the expiration of the 30 days, and within a period not to exceed 14 months from the entry of the order, decree, judgment or other determination complained of, by order of the reviewing court, entered within the 14 months, upon petition filed and notice given to adverse parties within 1 year from the entry of the order, decree, judgment or other determination, and upon a showing by affidavit that there is merit in appellant's claim for an appeal and that the failure to file notice of appeal within the 30-day period, or the failure properly to prosecute an appeal which was perfected within the 30-day period was not due to appellant's culpable negligence. The fact that appellant may have filed a notice of appeal prior to the filing of his petition for leave to appeal does not deprive the reviewing court of the power in its discretion to grant leave to appeal. The reviewing court in its order granting leave to appeal shall fix the time for the filing (within the 14-month period) of the notice of appeal which it allows. . . .

(2) An appeal is perfected when the notice of appeal is filed in the lower court. After being perfected no appeal shall be dismissed without notice, and no step other than that by which the appeal is perfected is jurisdictional. As amended by act approved May 19, 1965. L. 1965, p. 628, H.B. No. 948. Effective Jan. 1, 1966. (p. 1537, Vol. 2)

9. *Supreme Court of Illinois Rules, in force while this litigation was pending. Direct Appeals to the Supreme Court.* Ill. C.P.A., § 75.

a. Rule 28-1. Appeals from the final judgments of circuit courts shall be taken directly to the Supreme Court: . . . (b) in cases involving a question arising under the Constitution of the U. S. or of this State.

*Applications for Appeal Within One Year*

b. Rule 29. The application for leave to appeal under sec. 76(1) of the Civil Practice Act shall be by petition

and affidavit, which shall be printed and filed, with proof of service as prescribed for briefs. The opposing party may file an answer within 15 days after the petition and affidavit are served upon him. The answers shall be printed and filed, with proof of service, as prescribed for the petition and affidavit.

The petition shall be accompanied by a transcript of the portions of the record of the trial court necessary to present the questions upon which petitioner seeks review and an abstract thereof as provided by rule. Additional portions of the record and an additional abstract may be filed by the opposing party with the answer to the petition. The petitioner may file a praecipe for record without filing a notice of appeal and the opposing party may file a praecipe for additional parts of the record.

The court, or a judge thereof in vacation, may require bond and fix the amount and conditions thereof.

Each petition filed under this rule shall be accompanied by a notice of appeal. If the appeal is granted, the order of allowance shall be indorsed on the notice of appeal by the clerk, who shall send the notice of appeal so indorsed to the clerk of the trial court within 48 hours.

*Form and Contents of Notice of Appeal*

Rule 33. (1) The notice of appeal shall be entitled as follows:

(a) At the top shall appear the statement, "Appeal to the ..... Court," naming the court to which the appeal is taken, and below this shall be the statement "From the ..... Court," naming the court from which the appeal is taken;

(b) It shall be entitled in the cause, naming and designating the parties in the same manner as in the trial court, and adding the further designation "Appellant" or "Appellee";

(c) It shall be plainly designated "Notice of Appeal."

(2) It shall specify and describe the order, determination, decision, judgment or decree which is being ap-

pealed from, and if the appeal is from a part thereof only, it shall specify which part.

(3) It shall state what judgments, decrees, orders or proceedings are desired from the reviewing court by way of relief.

(4) It shall be signed by or on behalf of the party or parties joining in the notice of appeal.

*Service of Notice of Appeal*

Rule 34. (1) A copy of the notice of appeal shall be served upon each party whether appellee or coparty, who would be adversely affected by any reversal or modification of the order, judgment or decree, and upon any other person or officer entitled by law to notice of the appeal, within 10 days after the notice of appeal is filed in the trial court.

*Notice of Appearance—Cross Appeal—Separate Appeal by Co-Party*

Rule 35. (1) Each appellee who desires to prosecute a cross appeal from all or any part of the judgment, decision, order or decree, and each co-party who did not join in the notice of appeal but who desires to join as appellant or to prosecute a separate appeal shall within 10 days after service upon him of notice of appeal, serve a notice upon each party or attorney or firm of attorneys who signed the notice of appeal, and upon each appellee, person or officer entitled to receive notice of an appeal, and file a copy thereof in the trial court.

10. *Supreme Court of Illinois, New Rules, Tentative Final Draft distributed 5/20/1966, effective January 1, 1967.*

a. Rule 301. Method of Review of Appeals from the Circuit Court. Every final judgment of a circuit court in a civil case is appealable as of right. The appeal is initiated by filing a notice of appeal. NO OTHER STEP IS JURISDICTIONAL.

Rule 303.

(a) *Time.* Notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from.

(b) *Time for Other Appeals.* If a timely notice of appeal is served by a party, any other party, within 10 days of service upon him, *or within 30 days of the entry of judgment, whichever is later,* may join in the appeal, appeal separately, or cross appeal, by filing a notice of appeal.

11. *Federal Rules of Civil Procedure and Rule 3(a)(d) of Title II of Federal Rules of Appellate Procedure.*

Rule 73. *Appeal to a Court of Appeals*

(a) *When and How Taken.* After stating the appeal may be taken within 30 days from the entry of the judgment appealed from, and that, upon a showing of failure to learn of the entry of the judgment, the district court may extend the time for appeal not exceeding 30 days from the expiration of the original time,

"A party may appeal from the judgment by filing with the district court a notice of appeal. *Failure of the appellant to take any of the further steps to secure the review of the judgment appealed from* does not affect the validity of the appeal."

(b) *Notice of Appeal* is similar to Rule 33, above of the Supreme Court of Illinois, and continues:

"Notification of filing of the notice of appeal shall be given by the clerk . . . *but his failure to do so does not affect the validity of the appeal.*"

## APPENDIX G.

### Analysis Of Other Than Law Libraries.

Attached as Appendix D (pp. 6a, 7a, 8a) is a tabulation of the number of college and university libraries grouped by the various Circuits within the federal court system, and by the percentage of the total in each group which is owned *privately*,[1] as gathered from statistics contained in U. S. Government publications.

Appendix D, Table I, p. 9a, breaks them down into universities, liberal art colleges, teachers' colleges, technical schools, theological schools, other professional schools, junior colleges, and into the percentage of the total in each group owned *privately*.[2]

Appendix D, Table II, p. 10a, is a breakdown of Table I by the number of millions of volumes.[3]

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[1] The percentages are: Distr. of Col. 94.74%; First Circuit 72.5%; Second 85.71%; Third 83.33%; Fourth 63.8%; Fifth 43%; Sixth 77%; Seventh 71.15%; Eighth 64.13%; Ninth 43.36%; Tenth 40%.

[2] Theological and other professional schools are owned *privately* 100% and 91.15%, respectively; liberal arts colleges 89.42%. Teachers' and Jr. colleges, however, are owned *publicly* 85.14% and 62.36%, respectively.

[3] Of 206 million volumes, 114 million, or 55.34% are owned *privately*. It is to be noted, however, that *privately* owned theological schools own 100% of all books in all theological schools; *privately* owned liberal art colleges own 83⅓% of all books in all liberal art colleges; *privately* owned "other professional schools own 66⅔% of all books in all "other professional schools.

Appendix D, Table III, p. 11a, is a breakdown of Table I by the dollars spent for books, and as a percentage of operating costs.[4]

Appendix D, Table IV, p. 11a, is a breakdown of Table I by enrollments in privately and publicly owned colleges and universities, broken down by attendance classifications.[5]

## APPENDIX H.

### Analysis Of Law Libraries.

Attached as Appendix E is a microscopic study of *law* libraries, grouped by Circuits, in *law schools,* by type of control (pp. 12a-26a); in *law firms* with 5000 or more law books (pp. 27a-32a); in corporations with 5000 or more volumes (pp. 33a-38a); and in office buildings (p. 38a).

Page 12a of Appendix E summarizes for each Circuit, and in total, the number of *privately* owned law libraries

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[4] *Privately* owned colleges and universities spent about $24½ *billion* for books; *publicly* owned about $31½ *billion,* but the percentage of total operating expenses was about the same.

[5] It is to be noted that the *size* of the school (measured by attendance) is smaller in *privately* owned colleges and universities; e.g., they constitute 95.19%, 86.43%, and 68.88% where fewer than 500 attend a school, 500-999, and 1000-2499, respectively. The *publicly* owned colleges and universities constitute 68.24%, 56.09%, and 70.67% in the 2500-4999; 5000-9999; and 10,000 and over enrollment groups, respectively.

in law schools, law firms, and corporations, and the number of books owned *privately* by each, vis a vis the number of state and municipally owned law libraries and the size of their law book collections. There are about 307 *privately* owned, sizeable law libraries which house about 8,685,000 law books. There are *54 publicly* owned law school law libraries (exclusive of an undetermined number of so-called "county law libraries" into which it is sought to remodel the Institute, and court libraries at various levels of the judiciary) which house about 4,698,000 law books; i.e., they constitute but 15% of the total 358 law libraries but own, in the *publicly* owned law school law libraries alone, 35% of the total number of the 13,383,000 volumes. This indicates a wide dispersal of small, *privately* owned law libraries throughout the United States, any one or more of whom may become prey for a superior financial force, motivated politically, seeking court aid to appropriate their private libraries for a public use without compensation, by transferring title thereto to the *publicly* owned law libaries located in the county court houses scattered throughout the land (See 1966 Directory of Law Libraries by the American Association of Law Libraries, Chicago), or that could be formed with them as a nucleus for a free law library open to the general public.

Page 13a of Appendix E indicates a trend in *public* ownership of law school law libraries similar to that in public ownership of the general libraries of colleges and universities. Of the 54 state and municipally owned law school law libraries, 46, or 85.18%, are in the six Circuits southwest and west of the Mississippi River. Of the 81 *privately* owned law school libraries, 42, or 60%, are owned and controlled by churches, 23 being Catholic who are keenly aware of Henry VIII's *prerogative cy pres* campaign, 20, or almost half, of the church-controlled law schools being situated in the Fifth, Seventh, and Ninth Circuits.

Of the 135 law school law libraries in the United States, the 54 *publicly* owned comprise 40%, and most of those *privately* owned, which are *non-sectarian* (39), are in the First, Second, Sixth and Ninth Circuits. The heaviest concentration (42%) of all law school libraries is in 3 Circuits: Fifth (19), Sixth (18) and Ninth (20). The heaviest concentration (⅓) of *privately* owned law school libraries is in 5 Circuits: First (5), Second (7), Sixth (5), Seventh (4) and Ninth (6). Stress and strains are most likely to occur in the Second, Fifth, and Ninth Circuits, as they have now occurred in the Seventh.

Page 14a of Appendix E breaks down the 135 law school law libraries by controls and by number of law books. It will be noted that 11 of the 81 *privately* owned law school law libraries (13½, almost 1/7) are not university affiliated. This makes them especially vulnerable to any connivers who may wish to appropriate their libraries for either the *publicly* or other *privately* owned law school, university affiliated (church or non-sectarian) law libraries, especially since they are small.

The concentration of ownership of law books by law schools (000 omitted) may be seen.[1]

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[1] Total No. Volumes in

| | | | |
|---|---|---|---|
| 135 law schools | 11,137M | | 100.00% |
| 54 *publicly* owned | 4,698M | | 42.10% |
| 81 *privately* " | 6,439M | | 57.90% |
| 42 church " | 2,092M | 18.87% | |
| 28 non-sectar. " | 3,927M | 35.26% | |
| 11 " " non-univ. aff. | 420M | 3.77% | |
| 23 Catholic owned | 1,244M | | 11.18% |

Pages 15a-25a of Appendix E list all the 124 university-affiliated law school libraries by Circuit, by name of school, and by control, whether state, church, or private non-sectarian. Within parentheses, after each name, is shown the number of volumes owned to the nearest 1000.

Pages 25a-26a of Appendix E provide the same data for the 11 non-university affiliated law school libraries.

Pages 27a-32a of Appendix E list every law firm known to have 5000 or more volumes, which, so far, as indisputably *privately* owned. Their geographical distribution and volumes, as to each Circuit, is summarized.(2)

(2)

| Circuit | No. Law Firms | Total Vols., Nearest M |
|---|---|---|
| Dist. Col. | 4 | 41,000 |
| First | 4 | 43,000 |
| Second | 46 | 640,000 |
| Third | 8 | 74,000 |
| Fifth | 13 | 169,000 |
| Sixth | 9 | 126,000 |
| Seventh | 14 | 174,000 |
| Eighth | 7 | 46,000 |
| Ninth | 19 | 203,000 |
| TOTAL | 124 | 1,516,000 |

Pages 33a-38a of Appendix E list every corporation known to own 5000 or more volumes which, so far, are indisputably *privately* owned. Their geographical distribution and volumes as to each Circuit, is summarized.(3)

It will be noted that the 2,756,000 volumes owned *privately* by the 226 entities, other than law schools, exceeds the 2,512,000 vols. owned by 42 church, university affiliated and 11 non-university affiliated law schools (Appendix E, 14a)

(3)

| Circuit | No. Corps. | Vols. Estimated in Some Cases |
|---|---|---|
| Dist. Col. | 2 | 16,000 |
| First | 5 | 40,000 |
| Second | 24 | 325,000 |
| Third | 12 | 140,000 |
| Fourth | 3 | 45,000 |
| Fifth | 5 | 65,000 |
| Sixth | 9 | 100,000 |
| Seventh | 11 | 110,000 |
| Eighth | 5 | 36,000 |
| Ninth | 13 | 125,000 |
| Tenth | 7 | 115,000 |
| TOTAL | 96 | 1,117,000 |

| *Recapitulation*: | | | |
|---|---|---|---|
| Law firms | 124 | No. Vol. | 1,516,000 |
| Corps. | 96 | " " | 1,117,000 |
| Office bldgs. | 6 | " " | 123,000 |
| Entities, other than law schools | 226 | " " | 2,756,000 |